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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,473	06/25/2001	Jeffrey Allen Jones	AUS920010398US1	8699
7590	10/06/2004		EXAMINER	
Duke W. Yee Carstens, Yee & Cahoon, LLP P.O. Box 802334 Dallas, TX 75380			MARTIN, NICHOLAS A	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,473

Applicant(s)

JONES ET AL.

Examiner

Nicholas A. Martin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/25/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/25/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 1-19 are presented for examination.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference number(s) not mentioned in the description: 114, 116, 118 (Figure 1).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because reference number "100" is noted as "network" in Figure 1, while in the specification it is stated as "Network data processing system" on page 5, lines 6, 8, 11 and wherever else reference number 100 is mentioned. This creates confusion because reference character "102" is described as "network" in the specification on page 5, line 9 and throughout the remainder of the specification.

4. The drawings are objected to because reference character "200" has been noted as both "server" in Figure 2 and "Data processing system" in the specification on page 6, line 11.

5. The drawings are objected to because reference character "300" has been noted as both "client" in Figure 3 and "Data processing system" in the specification on page 7, line 23, 25 and throughout the remainder of the specification.

Appropriate corrections are required.

Specification

6. The disclosure is objected to because of the following informalities:

On page 5, line 20-21; page 6, line 26; it states, "...clients 108-112." This is incorrect because in Figure 1 there are no reference numbers for 109 and 111, only 108, 110 and 112.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 7-8, 15-16 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by "Technology Overview of Mojo Nation", MOJO Nation, 'Online', XP002177454, hereinafter XP.

8. As per claim 7, XP teaches a method for distributing information in a computer network, comprising:

requesting one of a plurality of pieces of an electronic file, wherein the electronic file is stored in a server (Page 1, paragraph 7; Page 2, paragraph 7; Page 3, paragraph 2);

receiving the requested file piece from the server (Page 1, paragraph 7; Page 3, paragraph 2);

receiving the request for said file piece from a client machine, wherein the request is redirected from the server (Page 1, paragraph 7; Page 3, paragraph 2);

sending said file piece to said client machine (Page 1, paragraph 7, Page 3, paragraphs 1-2).

9. As per claim 8, XP teaches a method for obtaining distributed information in a computer network, comprising:

requesting one of a plurality of pieces of an electronic file, wherein the electronic file is stored in a server (Page 1, paragraph 7; Page 2, paragraph 7; Page 3, paragraph 2);

receiving the requested file piece from a client machine containing a copy of said file piece (Page 1, paragraph 7; Page 3, paragraph 2).

10. As per claim 15, XP teaches a computer program product for distributing information in a computer network, comprising:

instructions for requesting one of a plurality of pieces of an electronic file, wherein the electronic file is stored in a server (Page 1, paragraph 7; Page 2, paragraph 7; Page 3, paragraph 2);

instructions for receiving the requested file piece from the server (Page 1, paragraph 7; Page 3, paragraph 2);

instructions for receiving the request for said file piece from a client machine, wherein the request is redirected from the server (Page 1, paragraph 7; Page 3, paragraph 2);

instructions for sending said file piece to said client machine (Page 1, paragraph 7, Page 3, paragraphs 1-2).

11. As per claim 16, XP teaches a computer program product for obtaining distributed information in a computer network, comprising:

instructions for requesting one of a plurality of pieces of an electronic file, wherein the electronic file is stored in a server (Page 1, paragraph 7; Page 2, paragraph 7; Page 3, paragraph 2);

instructions for receiving the requested file piece from a client machine containing a copy of said file piece (Page 1, paragraph 7; Page 3, paragraph 2).

12. Claim 18 does not teach or define any new limitations above claim 7 and therefore is rejected for similar reasons.

13. Claim 19 does not teach or define any new limitations above claim 8 and therefore is rejected for similar reasons.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. Claims 1-3, 5-6, 9-11, 13-14 and 17 are rejected under U.S.C. 103(a) as being unpatentable over "Technology Overview of Mojo Nation", MOJO Nation, 'Online', XP002177454 (hereinafter XP), in view of Hartsell et al. (hereinafter Hartsell) US 2002/0174227.

16. As per claim 1, XP teaches a method for distributing information in a computer network comprising:

dividing an electronic file into a plurality of pieces (Page 2, paragraph 7);
receiving a request for a file piece from a first client machine (Page 1, paragraph 7);
downloading the requested file piece to the first client machine (Page 3, paragraphs 5-6, Page 4, paragraph 1).

17. XP does not teach a method comprising:

receiving a request for said file piece from a second client machine; and
redirecting the request of the second client machine to the first client machine.

18. Hartsell teaches a method for distributing information in a computer network comprising:

receiving a request for said file piece from a second client machine (Page 20, paragraph [0189]);

redirecting the request of the second client machine to the first client machine (Page 37, paragraph [0303]).

19. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of XP and Hartsell because they both deal with the distribution of information within a peer-to-peer file sharing technology.

Furthermore, the teaching of XP discloses that it is beneficial to break up the task of

delivering content among many agents across the network in-order to increase speed and reliability to Hartsell's file sharing service in-order to create a high-throughput file transfer.

20. As per claim 2, XP teaches a method according to claim 1, further comprising downloading all file pieces to a plurality of client machines wherein:

client machines function as peer-to-peer servers for other client machines requesting said file pieces (Page 1, paragraph 7).

21. As per claim 3, XP teaches a method according to claim 2, wherein:

each peer-to-peer server stores a unique file piece (Page 3, paragraphs 1-2).

22. As per claim 5, XP teaches a method according to claim 2, further comprising:

sending a digest for a file piece to each client machine which has received that file piece (Page 4, paragraph 5).

23. As per claim 6, XP teaches a method according to claim 5, further comprising:

receiving a message from a client, wherein the message indicates that a peer-to-peer server has corrupted file piece (Page 2, paragraph 2; Page 4, paragraphs 5-6);

retransmitting said file piece to said client, wherein the retransmitted file piece is free of any corrupted content (Page 4, paragraph 6).

24. XP does not teach a method comprising:

disconnecting the peer-to-peer server responsible for corrupting said file piece.

25. Hartsell teaches a method according to claim 5, further comprising:

disconnecting the peer-to-peer server responsible for corrupting said file piece (Page 37, paragraph [0303]).

26. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of XP and Hartsell because they both deal with validating sending and receiving requests for information within a peer-to-peer file sharing network. Furthermore, the teaching of XP comprising receiving a corrupted message from a client and retransmitting said file piece to said client wherein the retransmitted file piece is free of any corrupted content is an alternative prioritizing approach as seen in Hartsell's file sharing network; clients that transmit corrupt messages and files result in redirecting requests and resources are re-allocated and exchanged with clients transmitting file pieces that are guaranteed authenticity by a validated digital signature.

27. As per claim 9, XP teaches a computer program product in a computer readable medium for use in a data processing system, for distributing information in a computer network, comprising:

instructions for dividing an electronic file into a plurality of pieces (Page 1, paragraph 7; Page 2, paragraph 7, Page 3, paragraph 1);

instructions for receiving a request for a file piece from a first client machine (Page 1, paragraph 7);

instructions for downloading the requested file piece to the first client machine (Page 1, paragraph 7; Page 3, paragraphs 5-6, Page 4, paragraph 1).

28. XP does not teach a computer program product comprising:

instructions for receiving a request for said file piece from a second client machine; and

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instructions for redirecting the request of the second client machine to the first client machine.

29. Hartsell teaches a computer program product for use in a data processing system for distributing information in a computer network, comprising:

instructions for receiving a request for said file piece from a second client machine (Page 29, paragraph [0252]); and

instructions for redirecting the request of second client machine to the first client machine (Page 29, paragraphs [0249], [0250]; Page 37, paragraph [0303]).

30. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of XP and Hartsell because they both deal with a computer program product in a computer readable medium for use in a data processing system, for the distribution of information within a peer-to-peer file sharing technology. Furthermore, the teaching of XP discloses instructions that it is beneficial to break up the task of delivering content among many agents across the network in-order to increase speed and reliability to Hartsell's file sharing service in-order to create a high-throughput file transfer.

31. As per claim 10, XP teaches a computer program product according to claim 9, further comprising:

instructions for downloading all file pieces to a plurality of client machines, wherein the client machines function as peer-to-peer servers for other client machines requesting said file pieces (Page 1, paragraph 7).

32. As per claim 11, XP teaches a computer program product according to claim 10, wherein each peer-to-peer server stores a unique file piece (Page 3, paragraph 1-2).

33. As per claim 13, XP teaches a computer program product according to claim 10, further comprising:

instructions for sending a digest for a file piece to each client machine which has received that file piece (Page 1, paragraph 7; Page 4, paragraph 5).

34. As per claim 14, XP teaches a computer program product according to claim 13, further comprising:

instructions for receiving a message from a client, wherein the message indicates that a peer-to-peer server has corrupted a file piece (Page 1, paragraph 7; Page 2, paragraph 2; Page 4, paragraphs 5-6);

instructions for retransmitting said file piece to said client, wherein the retransmitted file piece is free of any corrupted content (Page 1, paragraph 7; Page 4, paragraph 6).

35. XP does not teach a computer program product comprising:

instructions for disconnecting the peer-to-peer server responsible for corrupting said file piece.

36. Hartsell teaches a computer program product according to claim 13, further comprising:

instructions for disconnecting the peer-to-peer server responsible for corrupting said file piece (Page 29, paragraph [0248]); Page 37, paragraph [0303]).

37. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of XP and Hartsell because they both deal with a computer program product setting forth instructions for validating sending and receiving requests for information within a peer-to-peer file sharing network.

Furthermore, the teaching of XP comprising instructions for receiving a corrupted message from a client and retransmitting said file piece to said client wherein the instructions for retransmitted file piece is free of any corrupted content is an alternative prioritizing approach as seen in Hartsell's file sharing network; clients that transmit corrupt messages and files are redirected and resources are re-allocated and exchanged with clients transmitting file pieces that are guaranteed authenticity by a validated digital signature.

38. Claim 17 does not teach or define any new limitations above claim 1 and therefore is rejected for similar reasons.

39. Claims 4 and 12 are rejected under U.S.C. 103(a) as being unpatentable over XP in view of Hartsell as applied to claims 1-3 and 9-11 above, and in further view of "Inverse: Designing an Interactive Universe Architecture for Scalability and Extensibility", Singhal et al. (hereinafter Singhal) XP010245516.

40. As per claim 4, XP and Hartsell do not explicitly teach the method of claim 2.

41. Hartsell teaches a method further comprising:

redirecting said request to a second peer-to-peer server containing a copy of said file (Page 37, paragraph [0303]).

42. Singhal teaches a method of claim 2, further comprising:

receiving a request for a file piece stored in a first peer-to-peer server which is no longer connected to the computer network (Page 66, Column 2, paragraph 2-3);

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removing the first peer-to-peer server from a list of available peer-to-peer servers (Page 66, Column 2, paragraph 2-3).

43. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of XP, Hartsell and Singhal because they all deal with a faulty connection within a peer-to-peer file sharing network when receiving requests for content. Furthermore, the teaching of Singhal when receiving a request for a file piece stored in a peer-to-peer server no longer connected to the network, then removing that server from a list of available servers is an alternative to prioritizing requests referenced in Hartsell for file pieces disclosed in XP; broken connections result in unregistering those clients and notifying other clients who were communicating with that host.

44. As per claim 12, XP and Hartsell do not explicitly teach the computer program product of claim 10.

45. Hartsell teaches a computer program product according to claim 10 further comprising:

instructions for redirecting said request to a second peer-to-peer server containing a copy of said file (Page 29, paragraphs [0249], [0250]; Page 37, paragraph [0303])..

46. Singhal teaches a computer program product of claim 10, further comprising:

instructions for receiving a request for a file piece stored in a first peer-to-peer server which is no longer connected to the computer network (Page 65, Column 1, paragraph 6; Page 66, Column 2, paragraph 2-3);

instructions for removing the first peer-to-peer server from a list of available peer-to-peer servers (Page 65, Column 1, paragraph 6; Page 66, Column 2, paragraph 2-3).

47. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of XP, Hartsell and Singhal because they all disclose computer program product for dealing with a faulty connection within a peer-to-peer file sharing network. Furthermore, the teaching of Singhal wherein instructions for receiving a request for a file piece stored in a peer-to-peer server no longer connected to the network, then instructions for removing that server from available servers is an alternative to instructions for prioritizing requests referenced in Hartsell for file pieces disclosed in XP; broken connections result in unregistering those clients and notifying other clients who were communicating with that host.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Method And Apparatus For Wide-Spread Distribution Of Electronic Content In A Peer To Peer Fashion".

- | | | |
|------|--|---------------------|
| i. | US 2002/0133593 | Johnson et al. |
| ii. | US 2002/0133621 | Marco et al. |
| iii. | "Adapting Publish/Subscribe Middleware to Achieve Gnutella-like Functionality" - | Heimbigner, Dennis. |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas A. Martin whose telephone number is (703) 605-4352. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nam
September 21, 2004



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100